

TO: PARTY AND INTERESTED PERSONS

FROM: Lana Peterson, Chair
SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD

DATE: April 20, 2021 ([Amended April 22, 2021](#))

SUBJECT: [AMENDED](#) ORDER OF PROCEEDINGS FOR THE CONTINUED PUBLIC HEARING ON THE TENTATIVE POSEIDON RESOURCES L.L.C. HUNTINGTON BEACH DESALINATION FACILITY, ORDER R8-2021-0011

On April 23 and April 29 and, if needed, May 13, 2021, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) will continue the public hearing on the tentative National Pollutant Discharge Elimination System (NPDES) Permit for Poseidon Resources (Surfside) L.L.C.'s proposed Huntington Beach Desalination Facility (Facility), NPDES No. CAS800403, Tentative Order R8-2021-0011 (formerly, R8-2020-0005) (Tentative Order).

The continued hearing will resume at 9:00 a.m. on April 23 and continue to April 29 at 9:00 a.m. and, if needed, to May 13 at 9:00 a.m. The Santa Ana Water Board anticipates ending each day no later than 7:00 p.m.; however, this may be modified as needed.

The Santa Ana Water Board circulated the revised Tentative Order for limited public comment on February 12, 2021. The written public comment period on the February 12, 2021 revisions closed on March 17, 2021; the Board received over 70 written comments. The Santa Ana Water Board prepared a Responsiveness Summary to respond to written comments that were within the scope of the revisions and staff made further revisions to the Tentative Order to address written comments from the public; the final draft of the Tentative Order was released on April 9, 2021. No additional written comments may be submitted on the Tentative Order.

During the hearing, Santa Ana Water Board staff will provide an overview of the revisions to the Tentative Order. The Discharger and the public will have the opportunity to orally address the Board on proposed revisions to the Tentative Order since the order was last released for public review on June 30, 2020, as provided in the Notice of Opportunity for Public Comment and Notice of Public Hearing dated February 12, 2021 and April 12, 2021 (hereafter, the "Notice"). **Oral comments must not exceed the scope of the new revisions and should avoid repeating previous comments.** If any person uses a Power Point presentation, a copy will be included in the record. Persons with similar concerns or opinions are encouraged to choose one representative to speak and are encouraged to coordinate their presentations with each other. Repetitive

comments are discouraged. At the conclusion of the oral comments, the Santa Ana Water Board will close public comments.

Once oral comments are completed, Santa Ana Water Board staff will provide the Board with oral responses to significant comments that were not already addressed in the Responsiveness Summary, as well as any recommended changes to the Tentative Order to address certain comments if needed. The Santa Ana Water Board will then have an opportunity to ask questions and then deliberate. The Santa Ana Water Board will have the opportunity to question the Discharger and any interested person providing comments.

Pursuant to the Notice, the Santa Ana Water Board received several timely requests requesting extra time to present their oral comments at the hearing. After considering these requests based on the complexity and number of issues under consideration, the extent to which the Discharger and interested persons have coordinated, the number of parties and interested persons, the extent to which the Discharger and interested persons have identified unique interests, and the time available for the hearing, the following Order of Proceedings, including time allocated to the Discharger and members of the public, will be employed at the hearing resuming on April 23, 2021, unless the Santa Ana Water Board makes a modification to ensure a productive and efficient hearing. The Discharger is hereby advised that their allocated time includes any opening statement, and main presentation, ~~rebuttal, and closing statement~~; the Discharger will have an additional 20 minutes at the end of all public comments for their rebuttal comments and closing statement. Questions from the Santa Ana Water Board and the time to answer them will not be charged against the Discharger's or the public's allocated time.

Unless otherwise provided below, oral comments from interested persons are limited to 21 minutes each to accommodate the approximately 240 interested persons who registered to speak by the registration deadline. ~~However, t~~**The Board may further reduce the time to comment depending on the total number of persons wishing to be heard and the available time for the hearing. Note that the Santa Ana Water Board expects to hear all oral comments on April 23, 2021.** Spanish interpretation services will be provided for the hearing. Persons who use an interpreter to provide their comments will be afforded 42 minutes, or a reduced time commensurate with any reduction as noted above.

Please note that occasional breaks (ranging from 10-45 minutes) will be scheduled throughout the proceedings.

ORDER OF PROCEEDINGS

1	Opening statement by Chair	Approximately 10 minutes
2	Santa Ana Water Board Members' statements re: disclosures of ex parte communications	Approximately 20 minutes
3	Santa Ana Water Board staff	Approximately 20 minutes
4	California Coastal Commission staff	10 minutes
5	Discharger - Poseidon Resources	45 minutes
6	Surfrider Foundation	9 minutes
7	CA Coastkeeper Alliance/Orange County Coastkeeper	15 minutes
8	Residents for Responsible Desal	10 minutes
9	Azul and Oak View ComUNIDAD	15 minutes
10	Sunrise Movement Orange County	5 minutes
11	Tribal members from Tongva, Chumash & Achejeman Tribes	15 minutes
12	Interested Persons/Public	21 minutes per speaker (may be further reduced at the discretion of the Board to accommodate all speakers)
<u>13*</u>	<u>Discharger rebuttal comments and closing statement</u>	<u>20 minutes</u>
Close of Oral Public Comment		
<u>14</u> ^{*3}	Santa Ana Water Board Staff Response to New Comments	Unlimited
<u>15</u> ^{*4}	Santa Ana Water Board Questions and Deliberations	Unlimited

*Depending on time available, these items may not be covered until April 29 and/or May 13